

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF TEXAS
AMARILLO DIVISION

CLERK US DISTRICT COURT
NORTHERN DIST. OF TX
FILED

2012 AUG 22 PM 2:52

DEPUTY CLERK

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MATTHEW PHILLIPS, PRO SE,
TDCJ-CID No. 644019,
FBI No. 666638X6,

Plaintiff,

V.

JOHN ADAMS, FUOCH EVAIS,
Warden NFN BURGER,
STEVE MEVANS, and
DOUGLAS DRETKE,

Defendants.

[illegible]

2:11-CV-0231

ORDER OF DISMISSAL

Plaintiff MATTHEW PHILLIPS, acting pro se and while a prisoner confined in the Texas Department of Criminal Justice, Correctional Institutions Division, filed suit pursuant to Title 42, United States Code, section 1983 complaining against the above-named defendants and was granted permission to proceed *in forma pauperis*.

On August 1, 2012, a Report and Recommendation was issued by the United States Magistrate Judge recommending dismissal of the instant cause without prejudice for failure to state a claim on which relief can be granted.

Plaintiff was instructed that he could utilize the period for filing objections in which to amend his pleading to cure his pleading defects or he could file objections to the Report and Recommendation.

The period for response has expired. No amended complaint and no objections have been filed by plaintiff.

The Court has made an independent examination of the records in this case and has examined the Magistrate Judge's Report and Recommendation. The Court is of the opinion that the Report and Recommendation of the United States Magistrate Judge should be ADOPTED by the United States District Court.

This Court, therefore, does hereby ADOPT the Report and Recommendation of the United States Magistrate Judge in this case.

IT IS THEREFORE ORDERED that the Civil Rights Complaint by plaintiff MATTHEW PHILLIPS is DISMISSED WITHOUT PREJUDICE FOR FAILURE TO STATE A CLAIM ON WHICH RELIEF CAN BE GRANTED.

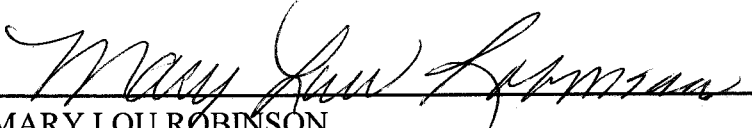
LET JUDGMENT BE ENTERED ACCORDINGLY.

Any pending motions are DENIED.

The Clerk shall send a copy of this Order to plaintiff and to any attorney of record. The Clerk shall also mail copies of this order to TDCJ-Office of the General Counsel, P.O. Box 13084, Austin, TX 78711; and to the Pro Se Clerk at the U.S. District Court for the Eastern District of Texas, Tyler Division.

It is SO ORDERED.

Signed this the 22nd day of August, 2012.


MARY LOU ROBINSON
United States District Judge